

FEDERAL REGISTER



VOLUME 23

NUMBER 2

Washington, Friday, January 3, 1958

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10747

DESIGNATING THE SECRETARY OF STATE TO ACT FOR THE UNITED STATES IN CERTAIN MATTERS PERTAINING TO JAPANESE WAR CRIMINALS

By virtue of the authority vested in me by the Constitution and the Statutes, and as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. The Secretary of State, or his designee, is hereby designated and empowered, without the approval, ratification, or other action of the President, to make on behalf of the Government of the United States of America the decision required by Article 11 of the Treaty of Peace with Japan in those cases in which the Government of Japan has submitted recommendations for reduction of sentence or parole with respect to sentences imposed on Japanese war criminals by tribunals established by the Government of the United States or by the International Military Tribunal for the Far East.

2. In exercising the authority vested in him by paragraph 1 hereof, the Secretary of State, in general, shall accept the recommendations of the Government of Japan if they are accompanied by findings made by a responsible non-political board, and if he is satisfied that the board has considered all the pertinent matters in each case under consideration, including the trial record, in arriving at its conclusion.

3. Executive Order No. 10393 of September 4, 1952, establishing the Clemency and Parole Board for War Criminals, and Executive Order No. 10613 of May 16, 1955, amending that order, are hereby revoked; and the Clemency and Parole Board for War Criminals is hereby abolished. The records of the said Board shall be turned over to the Department of State on the date of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 31, 1957.

[F. R. Doc. 58-115; Filed, Jan. 2, 1958;
11:13 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter 1—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (h) of § 6.324 is revoked, and paragraphs (i) and (j) are added as set out below.

§ 6.324 *United States Information Agency.* * * *

(i) One Assistant to the Director for Evaluation.

(j) One Staff Assistant to the Assistant to the Director for Evaluation.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] Wm. C. HULL,
Executive Assistant.

[F. R. Doc. 58-36; Filed, Jan. 2, 1958;
8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter 1—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES¹

CHANGES IN ALLOWANCE FOR DEFECTS PERMITTED IN GRADE C CLASSIFICATION

On October 8, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8005) regarding proposed amendments to the United States Standards for Grades

¹ Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 45)

CONTENTS THE PRESIDENT

Executive Order	Page
Designating Secretary of State to act for United States in certain matters pertaining to Japanese war criminals.....	43

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Notices:	
Nashville Union Stock Yards, Inc.; petition for modification of rate order.....	57
Shoshone Livestock Auction Co.; proposed posting of stockyards.....	57
Proposed rule making:	
Watermelons grown in Florida, Georgia, and South Carolina; determination.....	56
Rules and regulations:	
Cucumbers grown in Florida; approval of rate of assessment.....	52
Milk in Cincinnati, Ohio, marketing area; handling.....	45
Strawberries, frozen, U. S. standards for grades; changes in allowance for defects permitted in Grade C classification.....	43

Agriculture Department	
See Agricultural Marketing Service.	
Civil Aeronautics Administration	
Rules and regulations:	
Restricted areas; alterations....	53
Civil Service Commission	
Rules and regulations:	
United States Information Agency; exceptions from competitive service.....	43
Commerce Department	
See Civil Aeronautics Administration; Federal Maritime Board; Foreign Commerce Bureau.	
Defense Mobilization Office	
Notices:	
Renz, Oscar F.; statement of changes in business interests..	79



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CONTENTS—Continued

Federal Maritime Board	Page
Notices:	
Annual review of certain bare-boat charters.....	58
Federal Power Commission	
Notices:	
Hearings, etc.:	
Argo Oil Corp.....	67
Barnhart, Paul F.....	64
Barnhart, Paul F., et al.....	64
B B M Drilling Co. et al.....	62
Carter Oil Co.....	59
Cities Service Production Co.....	68
Columbian Carbon Co.....	72
Dorchester Corp. et al.....	60
Gulf Oil Corp.....	67

CONTENTS—Continued

Federal Power Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Greenbreier Oil Co.....	74
Humble Oil & Refining Co.....	77
Humble Oil & Refining Co. et al. (2 documents).....	73, 77
Hunt, H. L.....	66
Hunt, Lyda Bunker, Estate.....	77
Hunt Oil Co.....	76
Magnolia Petroleum Co. (2 documents).....	69, 71
Midhurst Oil Corp.....	75
Monterey Oil Co.....	63
Ohio Oil Co.....	62
Ohio Oil Co. et al.....	66
Olsen, R.....	78
Olsen, R., et al.....	78
Pan American Petroleum Corp. et al.....	72
Pecos Co.....	69
Phillips Petroleum Co.....	70
Plymouth Oil Co. et al.....	60
Pulaski, Dan J., et al.....	62
Reef Fields Gasoline Corp. et al.....	60
Secure Trusts.....	76
Service Gas Products Co.....	72
Shamrock Oil & Gas Corp.....	61
Shell Oil Co. (2 documents).....	70, 72
Shell Oil Co. et al. (2 documents).....	65, 68
Skelly Oil Co. (2 documents).....	63, 65
Sunray Mid-Continent Oil Co.....	65
Superior Oil Co.....	59
Superior Oil Co. et al.....	73
Texas Gulf Producing Co. et al.....	74
Texas Pacific Coal & Oil Co. (2 documents).....	58, 79
Tidewater Oil Co. (2 documents).....	59, 74
Union Oil Company of California.....	68
Union Producing Co.....	71
West Lake Natural Gasoline Co. et al.....	61
Westhoma Oil Co.....	75
Food and Drug Administration	
Rules and regulations:	
Antibiotic and antibiotic-containing drugs; certification and tests and methods of assay.....	52
Foreign Commerce Bureau	
Notices:	
Petroleum Specialties, Ltd., and Leon Gourfinkel; order reducing and amending order denying export privileges.....	58
Rules and regulations:	
Positive list of commodities and related matters; revision of export regulations.....	54
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Interior Department	
See Land Management Bureau; National Park Service.	
Labor Department	
See Public Contracts Division.	

CONTENTS—Continued

Land Management Bureau	Page
Notices:	
Proposed withdrawal and reservation of lands:	
Colorado.....	57
Montana.....	57
Rules and regulations:	
Public land orders:	
Alaska.....	54
Idaho (2 documents).....	55
National Park Service	
Rules and regulations:	
Rocky Mountain National Park; special regulations.....	53
Public Contracts Division	
Proposed rule making:	
Record retention.....	56
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Dodge & Cox Fund.....	79
Pyramid Mining and Metal Corp.....	80
Treasury Department	
Notices:	
Order of succession among Assistant Secretaries.....	57
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3	Page
Chapter II (Executive orders):	
Oct. 29, 1913, Power Site Reserve No. 406 (revoked in part by PLO 1573).....	55
4806 (revoked in part by PLO 1572).....	55
10393 (revoked by EO 10747).....	43
10613 (revoked by EO 10747).....	43
10747.....	43
Title 5	
Chapter I:	
Part 6.....	43
Title 7	
Chapter I:	
Part 52.....	43
Chapter IX:	
Part 965.....	45
Part 1015.....	52
Part 1021 (proposed).....	56
Title 14	
Chapter II:	
Part 608.....	53
Title 15	
Chapter III:	
Part 399.....	54
Title 21	
Chapter I:	
Part 141c.....	52
Part 146.....	52
Part 146c.....	52
Title 36	
Chapter I:	
Part 20.....	53
Title 41	
Chapter II:	
Part 201 (proposed).....	56

CODIFICATION GUIDE—Con.

Title 43	Page
Chapter I:	
Appendix (Public land orders):	
82 (see PLO 1571)-----	54
109 (see PLO 1573)-----	55
1571-----	54
1572-----	55
1573-----	55

of Frozen Strawberries (§§ 52.1981-52.1993).

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the following amendments to said standards are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.) which amendments provide for changes in the allowance for defects permitted in the Grade C classification.

1. In § 52.1988, paragraph (d), change subparagraph (1) to read:

(1) *Whole*. A trace of grit, sand or silt may be present that does not materially affect the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than $\frac{3}{4}$ square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than six stems, including not more than one stem which may exceed $\frac{3}{4}$ inch in length, or two small pieces of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 12 percent, by weight, that are damaged strawberries.

2. In § 52.1988, paragraph (d), change subparagraph (2) to read:

(2) *Sliced*. A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than $\frac{3}{4}$ square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than six stems, including not more than one stem which may exceed $\frac{3}{4}$ inch in length, or two small pieces of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 6 percent, by weight, that are damaged strawberries.

Dated this 27th day of December 1957, to become effective on February 1, 1958.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

[SEAL]

FRANK E. BLOOD,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-39; Filed, Jan. 2, 1958; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 965—MILK IN CINCINNATI, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

Sec. 965.0 Findings and determinations.

DEFINITIONS

965.1 Act.
965.2 Secretary.
965.3 Cincinnati, Ohio, marketing area.
965.4 Person.
965.5 Route.
965.6 Fluid milk plant.
965.7 Pool plant.
965.8 Nonpool plant.
965.9 Dairy farmer.
965.10 Producer.
965.11 Handler.
965.12 Producer milk.
965.13 Producer-handler.
965.14 Other source milk.
965.15 Fluid milk product.
965.16 Chicago butter price.

MARKET ADMINISTRATOR

965.20 Designation.
965.21 Powers.
965.22 Duties.

REPORTS, RECORDS, AND FACILITIES

965.30 Monthly reports of receipts and utilization.
965.31 Other reports.
965.32 Verification of handler reports.
965.33 Records and facilities.
965.34 Retention of records.

CLASSIFICATION

965.40 Basis of classification.
965.41 Classes of utilization.
965.42 Shrinkage.
965.43 Transfers.
965.44 Responsibility of handlers.
965.45 Computation of skim milk and butterfat in each class.
965.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

965.50 Basic formula price.
965.51 Class prices.
965.52 Butterfat differentials to handlers.
965.53 Location differential to handlers.
965.54 Use of equivalent prices.

COMPUTATION OF UNIFORM PRICE

965.60 Net obligation of each handler.
965.61 Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.
965.62 Correction of errors.
965.63 Computation of uniform prices.

PAYMENTS FOR MILK

965.70 Payments to producers.
965.71 Producer-settlement fund.
965.72 Payments to producer-settlement fund.
965.73 Payments from producer-settlement fund.
965.74 Butterfat differential to producers.
965.75 Location differentials to producers.
965.76 Expense of administration.
965.77 Marketing services.
965.78 Termination of obligation.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

965.80 Effective time.
965.81 Suspension or termination.
965.82 Continuing power and duty of the market administrator.

Sec. 965.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

965.90 Agents.
965.91 Separability of provisions.
965.92 Plants subject to other Federal orders.

AUTHORITY: §§ 965.0 to 965.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 965.0 Findings and determinations.

The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record*. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings*. It is necessary in the public interest to make this order amending the order effective January 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued November 27, 1957 and the decision of the Acting Secretary containing all amendment provisions of this order in essentially the same form as contained in the recommended decision was issued December 27, 1957. The changes effected by this order will not require extensive preparation or substantial al-

teration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order) of more than 50 percent of the milk covered by this order amending the order, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the City of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or

retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10 (a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

Months Plant Is Pool Plant

Months milk is moved:	
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 965.9 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.10 *Producer.* "Producer" means a dairy farmer, other than a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) Either: (1) Diverted during any of the months of March through August from a pool plant to a nonpool plant for the account of a handler as defined in § 965.11 (a) (1); or (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11 (b), if such milk is from a dairy farmer whose milk previously has been received at a pool plant: *Provided,* That this definition shall not include any dairy farmer whose milk is delivered to a pool plant defined pursuant to § 965.7 (a) and who does not hold a permit issued by the health authority in the marketing area having the responsibility for farm approval.

§ 965.11 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted to a nonpool plant by the cooperative association during the month.

§ 965.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 965.10 (c): *Provided,* That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the nonpool plant to which the milk is diverted.

§ 965.13 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products re-

ceived from other pool plants, and (3) inventory of fluid milk products at the beginning of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

§ 965.15 *Fluid milk product.* "Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour, or whipped), eggnog, concentrated milk and any mixture of milk, skim milk or cream (except frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated or condensed milk).

§ 965.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 965.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (d) Keep such books and records as will clearly reflect the transactions pro-

vided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Monthly reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

- (a) The total pounds of skim milk and butterfat contained in or represented by:
 - (1) Producer milk;
 - (2) Fluid milk products received from other pool plants;
 - (3) Other source milk; and
 - (4) Beginning and ending inventories of fluid milk products.
- (b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

§ 965.31 *Other reports.* Each handler who operates a fluid milk plant, which is a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 965.32 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 965.30 (a) shall be classified by the market ad-

ministrator, subject to the provisions of §§ 965.41 through 965.46.

§ 965.41 *Classes of utilization.* Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraph (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated product, and cottage cheese; and (2) ending inventories of fluid milk products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

§ 965.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and other source milk received in the form of a fluid milk product in bulk.

§ 965.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46 (a) (1), (2), and (3) and the corresponding steps of (b): *Provided*, That if either or both plants have other source milk, the milk, skim milk or cream so transferred shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further*, That milk may be transferred in

farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant located in Campbell County or Kenton County, Kentucky, from which a route(s) is operated, unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) The Class I utilization (as defined in § 965.41) at such nonpool plant is less than the skim milk and butterfat, respectively, transferred or diverted to such nonpool plant, in which case, such skim milk and butterfat shall be assigned to the highest-valued use classification available at such plant;

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(d) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant, except as provided in paragraphs (b) and (c) of this section, unless the conditions specified in subparagraphs (1) and (2) of paragraph (b) of this section are met and an equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to Class III milk to the extent available then in sequence to Class II milk and Class I milk.

§ 965.44 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

§ 965.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such

product plus all of the water normally associated with such solids in the form of whole milk.

§ 965.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41 (c) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product which is subject to the Class I pricing provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.

Carnation Co., Oconomowoc, Wis.
 Carnation Co., Richland Center, Wis.
 Carnation Co., Sparta, Mich.
 Pet Milk Co., Belleville, Wis.
 Pet Milk Co., Coopersville, Mich.
 Pet Milk Co., New Glarus, Wis.
 Pet Milk Co., Wayland, Mich.
 White House Milk Co., Manitowoc, Wis.
 White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Subject to the provisions of § 965.52, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus \$1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January.....	67	69
February.....	68	68
March.....	68	68
April.....	67	69
May.....	63	65
June.....	60	62
July.....	53	55
August.....	49	51
September.....	48	50
October.....	51	53
November.....	58	60
December.....	63	65

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or-field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
 Carnation Milk Co., Hillsboro, Ohio.
 Nestles Milk Products, Inc., Greenville, Ohio.
 Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
 Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51 (b) (2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50 (b) (2) and divide the result by 1000: *Provided*, That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

§ 965.53 *Location differential to handlers.* For that skim milk and butterfat in producer milk received at a pool plant located 45 miles or more by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 45 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or

Class II milk at such plant, the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
45 but less than 110.....	15.0
For each additional 10 miles or fraction thereof an additional.....	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant, the total skim milk and butterfat in producer milk physically received at such plant and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

§ 965.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

§ 965.60 *Net obligation of each handler.* The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46 (a) (6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46 (a) (5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46 (a) (2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50 (b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided*, That for any month when the aggregate utilization of Class I

milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes operated within the marketing area, (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (other than butter). Such obligations shall be paid by such handler to the market administrator on or before the 17th day after the end of each month.

§ 965.62 *Correction of errors.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 965.63 *Computation of uniform prices.* For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the fol-

lowing amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on September 30 of such year;

(e) Add the sum of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay to each producer \$1.00 per hundredweight of milk received from such producer during the month: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.63 (c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63 (d); and

(c) The difference between the amount added pursuant to § 965.63 (f) and the amount resulting from the subtraction pursuant to § 965.63 (h) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22 (i) (1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in ac-

cordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.63 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

§ 965.74 *Butterfat differential to producers.* In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.75 *Location differentials to producers.* In computing the payment due each producer pursuant to § 965.73, the uniform price for milk which is received at a pool plant located 45 miles or more, by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundred- weight (cents)
Distance from City Hall (miles):	
45 but less than 110.....	15.0
For each additional 10 miles or frac- tion thereof, an additional.....	1.5

§ 965.76 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk received during the month.

§ 965.77 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period pro-

vided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, de-

liver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 965.91 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Cincinnati, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Issued at Washington, D. C., this 30th day of December 1957, to be effective on and after January 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-10614; Filed, Dec. 31, 1957;
12:30 p. m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083), regulating the handling of cucumbers grown in Florida, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), was published in the FEDERAL REGISTER October 22, 1957 (22 F. R. 8293). The notice stated that consideration would be given to any data, views, or arguments pertaining thereto, which were received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication in the FEDERAL REGISTER. However, within the period specified the Florida Cucumber Committee requested two extensions of the period for filing data, views, or arguments. In accordance with such requests the period was extended until November 22, 1957 (22 F. R. 8908) and December 6, 1957 (22 F. R. 9540), respectively.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and additional data, views, and arguments submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1015.201 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Cucumber Committee, established pursuant to this part, to enable such committee to perform its functions pursuant to the provisions of this part, during the fiscal period ending July 31, 1958, will amount to \$67,500.00.

(b) The rate of assessment to be paid by each handler, pursuant to this part, shall be three cents (\$0.03) per 54-pound bushel of cucumbers, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in §§ 1015.1 to 1015.88 (22 F. R. 6083).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 30, 1957 to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-37; Filed Jan. 2, 1958;
8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146, 146c; 21 CFR, 1956 Supp., 146.26; 22 F. R. 349, 3111, 6094, 6590, 7139) are amended as indicated below:

1. Part 141c is amended by adding the following new sections:

§ 141c.238 *Tablets tetracycline hydrochloride and novobiocin*—(a) *Potency*—

(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.231 (a) (1). Its tetracycline hydrochloride content is satisfactory if it contains not less than 85 percent of the number of milligrams per tablet that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in § 141a.21 (a) (2) of this chapter, except that penicillinase is not added, and if it contains calcium novobiocin the sample is blended in ethanol in lieu of 0.1 N potassium phosphate buffer. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Calcium novobiocin used in making the tablets*—(1) *Potency.* Proceed as directed in § 141a.21 (c) of this chapter, except prepare the sample as follows: Dissolve the sample for assay in sufficient ethanol to give a concentration of 3 milligrams per milliliter (estimated). Further dilute in 1.0 percent potassium phosphate buffer, pH 6.0, to give a final concentration of 0.5 µg. per milliliter (estimated).

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, except inject 0.5 milliliter of a suspension containing 2 milligrams per milliliter.

(3) *Moisture, pH, crystallinity.* Proceed as directed in § 141a.5 (a), (b), and (c) of this chapter.

§ 141c.239 *Tetracycline-novobiocin for oral suspension*—(a) *Potency*—(1) *Tetracycline content.* Reconstitute the powder as directed in the labeling of the

drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark with 0.01 N HCl. Withdraw an aliquot from the volumetric flask and dilute to a concentration of 0.24 µg. per milliliter (estimated), using 0.1 M potassium phosphate buffer (pH 4.5) and proceed as directed in § 141c.231 (a) (1). Its content of tetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Novobiocin content.* Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark using 0.1 M potassium phosphate buffer, pH 8.0 (except if it contains calcium novobiocin, ethanol is used in lieu of the buffer solution). Remove an aliquot and dilute with 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 1.0 µg. per milliliter (estimated). Proceed as directed in § 141a.21 (a) (2) of this chapter, except that penicillinase is not added. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) (6) and (30) is changed to read as follows:

(b) * * *

(6) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, bacterial swine enteritis, and/or bacterial calf diarrhea; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 50 grams of chlortetracycline or oxytetracycline or a combination of such drugs; or, if it is intended for use solely as an aid in the prevention of bacterial swine enteritis, it contains a combination of 37.5 grams of streptomycin and 7.5 grams of penicillin per ton of feed. If it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the prevention of synovitis in poultry. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(30) it is intended for use as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin, and for improving feed efficiency of chickens or turkeys; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, 18.75 grams of streptomycin and 3.75 grams of penicillin; except that if it is intended for use in the presence of disease, as an aid in maintaining or increasing hatchability of eggs, or for the prevention of early

mortality of chicks, it contains 75 grams of streptomycin and 15 grams of penicillin per ton of feed.

3. Section 146c.234 is revised to read as follows:

§ 146c.234 *Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin.* Capsules tetracycline hydrochloride and novobiocin and capsules tetracycline phosphate complex and novobiocin are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules, except that:

(a) Unless it is intended solely for veterinary use and is conspicuously so labeled, each capsule contains not less than 125 milligrams of novobiocin as the monosodium salt. The crystalline novobiocin used conforms to the requirements for novobiocin prescribed by § 146a.53 (a) of this chapter.

(b) If it is intended solely for veterinary use and is conspicuously so labeled it may contain cortisone or a suitable derivative of cortisone.

(c) The moisture content of the capsules is not more than 4 percent if it contains tetracycline hydrochloride and not more than 9 percent if it contains tetracycline phosphate complex.

(d) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label and labeling the number of milligrams of novobiocin, and if it contains cortisone or a derivative of cortisone, the name and quantity of each such substance, in each capsule of the batch. On the outside wrapper or container, if it contains cortisone or a derivative of cortisone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian." The expiration date shall be the date that is 18 months after the month during which the batch was certified.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) \$4.00 for each immediate container of novobiocin.

(2) \$1.00 for each capsule submitted.

4. Part 146c is amended by adding the following new sections:

§ 146c.238 *Tablets tetracycline hydrochloride and novobiocin.* Tablets tetracycline hydrochloride and novobiocin are tablets that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules, except that:

(a) Unless they are intended solely for veterinary use and are conspicuously so labeled, each tablet shall contain not less than 125 milligrams of novobiocin as the crystalline monosodium salt or crystalline calcium salt. The novobiocin used conforms to the requirements for monosodium novobiocin prescribed by § 146a.53 (a) of this chapter, or if calcium novobiocin is used, it is produced by the growth of *Streptomyces niveus*, has a

potency of not less than 750 µg, per milligram, is nontoxic, has a moisture content of not more than 10 percent, and its pH in a saturated aqueous solution is not less than 7.2 and not more than 8.2.

(b) The moisture content of the tablets is not more than 6 percent.

(c) In addition to the labeling prescribed for tetracycline hydrochloride capsules, each package shall bear on its label and labeling the number of milligrams of monosodium novobiocin or calcium novobiocin in each tablet of the batch. The expiration date of the drug shall be 12 months.

(d) In addition to complying with the requirements of § 146c.204, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, crystallinity, and moisture. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) \$1.00 for each tablet submitted.

(2) \$4.00 for each immediate container of novobiocin submitted.

§ 146c.239 *Tetracycline - novobiocin for oral suspension.* Tetracycline-novobiocin powder for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder, except paragraph (f) of that section, and except that:

(a) When prepared as directed in its labeling, each milliliter contains 12.5 milligrams of crystalline monosodium novobiocin or crystalline calcium novobiocin and a quantity of tetracycline equivalent to 25 milligrams of tetracycline hydrochloride. The novobiocin used conforms to the requirements prescribed by § 146a.53 (a) of this chapter or § 146c.238.

(b) Its moisture content is not more than 5 percent.

(c) In addition to the labeling prescribed for tetracycline powder, each package shall bear on its label and labeling the number of milligrams of monosodium novobiocin or calcium novobiocin in each immediate container of the batch. Its expiration date shall be 12 months.

(d) In addition to complying with the requirements of § 146c.205, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, crystallinity, pH, and moisture. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than

300 milligrams of the novobiocin used in making the batch.

(e) The fees for the services rendered in accordance with the requirements of paragraph (d) of this section shall be:

(1) \$5.00 for each immediate container of the batch submitted.

(2) \$4.00 for each immediate container of novobiocin submitted.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would not be in the public interest to delay providing for the amendments set out herein.

I further find that animal feed containing antibiotic drugs and complying with the requirements prescribed in amendment 2 of this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure its safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: December 27, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-62; Filed, Jan. 2, 1958; 8:56 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ROCKY MOUNTAIN NATIONAL PARK

1. A new subparagraph (viii) is added to § 20.7 (b) (2), entitled *Rocky Mountain National Park*, to read as follows:

(viii) The Big Thompson River in Forest Canyon from the junction of Fern Creek to its source is closed to fishing.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 12th day of November 1957.

JAMES V. LLOYD,
Superintendent,
Rocky Mountain National Park.

[F. R. Doc. 58-4; Filed, Jan. 2, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 214]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to

become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.15, the Parker, Colorado, area (R-195), amended January 16, 1954, in 19 F. R. 292 is further amended by changing the "Time of Designation" column to read: "Continuous".

2. Section 608.43, the Wilmington, Ohio, area (R-109), amended July 11, 1957, in 22 F. R. 4879 is redesignated as follows: "Beginning at latitude 38°43'30", longitude 83°02'00"; thence west to latitude 38°48'30", longitude 83°15'00"; thence northwest to latitude 39°06'30", longitude 84°00'00"; thence north to latitude 39°19'45", longitude 84°00'00"; thence northeast to latitude 39°41'45", longitude 83°32'00"; thence east to latitude 39°41'30", longitude 83°15'00"; thence southeast to latitude 39°30'00", longitude 83°01'30"; thence south to the point of beginning".

3. Section 608.61, the Kodiak Island, Alaska, area (R-350), amended December 4, 1954 in 19 F. R. 8013 is further amended by changing the "Time of Designation" column to read: "0800-2400 daily".

4. Section 608.61, the Adak, Alaska, area (R-356), amended October 31, 1951

in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "10,000 feet", and the "Time of Designation" column to read: "0800-2400 daily".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 16, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 26, 1957.

[F. R. Doc. 58-1; Filed, Jan. 2, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. P. L. 17]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

APPENDIX A—POSITIVE LIST OF COMMODITIES

Section 399.1 *Appendix A—Positive List of Commodities* is amended by adding the following commodities to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
94745 (formerly 947450)	Parts and accessories, n. e. c., specially fabricated for small arms (specify by name): Slings, straps, gun mounts, belts, links and magazines ¹		FINP-----	None	RO (A)
99960 (formerly 999600)	Bayonets ¹		FINP-----	None	RO (A)

¹ On and after Feb. 12, 1957, an import certificate will be required in support of a license application covering exports of this commodity to the countries specified in § 373.2 (a) of this subchapter.

This amendment shall become effective as of December 31, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-10909; Filed, Dec. 31, 1957; 12:30 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1571]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) and reserved for use of the Department of the Air Force for military purposes:

[Fairbanks 012715]

CAPE SIMPSON

Beginning at a point on the south shore of Beaufort Sea, approximate latitude 71°03' N., longitude 154°43' W., from which point the U. S. C. and G. S. Triangulation Station "Marta" bears S. 5°50'55" E., approximately 2,110 feet, thence

S. 57°39'05" W., 3,420 feet;

N. 32°20'55" W., 2,930 feet;

N. 57°39'05" E., 3,390 feet;

Southeasterly, 2,940 feet along the shore of Beaufort Sea to point of beginning.

The area described contains 229 acres.

[Fairbanks 012716]

CAPE SABINE

Beginning at a point on the east shore of Chukchi Sea, approximate latitude 69°00'

N., longitude 163°53' W., from which point the U. S. C. and G. S. Triangulation Station "Raven" bears S. 13°31'50" W., approximately 8,220 feet, thence

S. 55°10'45" E., 2,140 feet;

N. 34°49'15" E., 5,230 feet;

N. 55°10'45" W., 2,150 feet to a point on the shore of the Chukchi Sea;

Southwesterly, 5,240 feet along the shore of the Chukchi Sea to point of beginning.

The area described contains 258 acres.

[Fairbanks 012717]

KOGRU RIVER

Beginning at a point on the north bank of the Kogru River, approximate latitude 70°35' N., longitude 152°14' W., from which point the U. S. C. and G. S. Triangulation Station "Pete" bears N. 36°05' E. approximately 6,300 feet, thence

North, 7,420 feet to the mean high water line on the south shore of Harrison Bay;

Northwesterly, 5,100 feet along the mean high water line on the south shore of Harrison Bay;

South, 8,770 feet to a point on the north bank of the Kogru River;

Easterly, 6,930 feet along the north bank of the Kogru River to point of beginning.

The area described contains 790 acres.

[Fairbanks 012718]

OLIKTOK POINT

Beginning at a point on the shore of Beaufort Sea near Oliktok Point, approximate latitude 70°30' N., longitude 149°51' W., from which point the U. S. C. and G. S. Triangulation Station "Oliktok West Base" bears S. 41°17'08" E., approximately 2,290 feet, thence

S. 29°10'12" E., 13,500 feet;

S. 60°49'48" W., 8,220 feet;

N. 29°10'12" W., 11,380 feet to a point on the shore of Beaufort Sea;

Northeasterly, 8,425 feet along the shore to point of beginning.

The area described contains 2,325 acres.

[Fairbanks 012720]

WAINWRIGHT

Beginning at a point on the mean high water line of Wainwright Lagoon approximate latitude 70°37' N., longitude 159°51' W., from which point the U. S. C. and G. S. Triangulation Station "Aloak" bears N. 29°30' E., approximately 6,670 feet, thence

N. 69°00' E., 8,900 feet;

N. 21°00' W., 9,560 feet;

S. 69°00' W., 11,720 feet to a point on the mean high water line of Wainwright Lagoon; Southeasterly, 10,120 feet along the mean high water line of Wainwright Lagoon to point of beginning.

The area described contains 2,180 acres.

[Fairbanks 012719]

PEARL BAY

Beginning at a point on the mean high water line of the Chukchi Sea, approximate latitude 70°48' N., longitude 158°14' W., from which point the U. S. C. and G. S. Triangulation Station "Rise" bears S. 35°30' W., approximately 3,800 feet, thence

South, 11,600 feet;

West, 5,450 feet;

North, 11,670 feet to a point on mean high water line of the Chukchi Sea;

Easterly, 5,480 feet along the mean high water line of the Chukchi Sea to point of beginning.

The area described contains 1,460 acres.

[Fairbanks 012721]

POINT MCINTYRE

Beginning at a point on the shore of Beaufort Sea, approximate latitude 70°25' N., longitude 148°40' W., from which point the U. S. C. and G. S. Triangulation Station

"Stump 2" bears N. 71°00' E., approximately 8,100 feet, thence
 South, 8,620 feet;
 West, 5,920 feet;
 North, 7,480 feet to mean high water mark on the shore of Beaufort Sea;
 Easterly, 6,380 feet along the mean high water line to point of beginning.
 The area described contains 1,400 acres.

[Fairbanks 012722]

ICY CAPE

Beginning at a point on the south shore of Kasegaluk Lagoon, near Icy Cape, approximate latitude 70°18' N., longitude 161°56' W., from which point the U. S. C. and G. S. Triangulation Station "Acacia" bears N. 23°10' W., approximately 6,530 feet, thence
 S. 49°30'16" E., 2,280 feet;
 S. 40°29'44" W., 2,480 feet;
 N. 49°30'16" W., 2,810 feet to a point on the shore of Kasegaluk Lagoon;
 N. 27°14'44" E., 1,990 feet;
 S. 78°45'16" E., 1,120 feet to point of beginning.

The area described contains 169 acres.

[Fairbanks 012723]

POINT LAY

Beginning at a point on the east shore line of Kasegaluk Lagoon opposite Point Lay, approximate latitude 69°43' N., longitude 163°00' W., from which point the U. S. C. and G. S. Triangulation Station "Beth" bears S. 59°00' W., approximately 13,800 feet, thence

East, 12,300 feet;
 North, 8,560 feet;
 West, 13,770 feet to a point on the mean high water line on Kasegaluk Lagoon;
 Southerly, 12,070 feet along the mean high water line on Kasegaluk Lagoon to point of beginning.

The area described contains 2,875 acres.

[Fairbanks 012724]

LONELY

Beginning at a point on the mean high water line of the Beaufort Sea, approximate latitude 70°55' N., longitude 153°15' W., from which point the U. S. C. and G. S. Triangulation Station "Lonely" bears S. 63°30' E. approximately 4,430 feet, thence

South, 12,100 feet;
 East, 9,250 feet;
 North, 14,340 feet to a point on the mean high water line of the Beaufort Sea;
 Westerly, 9,860 feet along mean high water line to point of beginning.

The area described contains 2,830 acres.

The reservation made by this order shall be subject to the withdrawal made by Executive Order No. 3797-A of February 27, 1923, for oil and gas as Naval Petroleum Reserve No. 4, and to the jurisdiction granted to the Department of the Navy over Naval Petroleum Reserves by the act of August 10, 1956 (70A Stat. 457-462; 10 U. S. C. 7421-7438), and shall take precedence over but not otherwise affect the withdrawal made by Public Land Order No. 82 in connection with the prosecution of the war.

ROGER ERNST,
Acting Secretary of the Interior.

DECEMBER 26, 1957.

[F. R. Doc. 57-10900; Filed, Dec. 31, 1957;
 12:30 p. m.]

[Public Land Order 1572]

[Idaho 08281]

IDAHO

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4806 OF FEBRUARY 11, 1928, WHICH RESERVED LANDS FOR USE OF THE DEPARTMENT OF COMMERCE FOR AIR NAVIGATION FACILITIES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), it is ordered as follows:

1. Executive Order No. 4806 of February 11, 1928, so far as it reserved the following-described public land in Idaho for use of the Department of Commerce for air navigation facilities, is hereby revoked:

BOISE MERIDIAN

T. 12 N., R. 7 W.,
 Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 37.5 acres.

2. The land is located about 10 miles northwesterly from Weiser, Idaho. It lies at an elevation of about 3,500 feet. The topography is generally rough and mountainous. The vegetative cover consists mostly of cheatgrass and mustard. The land has little or no suitability for farming.

3. No application for the land may be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, locations, and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference

rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m., on January 31, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on May 2, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on May 2, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on May 2, 1958.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands are withdrawn for transmission line purposes in Federal Power Project No. 406, and by general determination of the Federal Power Commission issued April 17, 1922 (43 CFR 103.5) any entry, location or selection of the lands under the public land laws, shall be subject to the reservation made by section 24 of the Federal Power Act.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 26, 1957.

[F. R. Doc. 57-10901; Filed, Dec. 31, 1957;
 12:30 p. m.]

[Public Land Order 1573]

[77574]

IDAHO

POWER SITE RESTORATION NO. 538; PARTIALLY REVOKING THE EXECUTIVE ORDER OF OCTOBER 29, 1913, WHICH CREATED POWER SITE RESERVE NO. 406

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of October 29, 1913, which created Power Site Reserve No. 406, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 4 S., R. 5 E.,
 Sec. 31, lots 7, 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 33, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$.

The areas described aggregate 819.61 acres, most of which are withdrawn in Public Land Order No. 109 for use of the War Department.

2. The Federal Power Commission on April 17, 1922, issued its general determination that where lands of the United States had theretofore been or thereafter were reserved or classified as power

sites, solely because such lands were either occupied by power transmission lines or their occupancy and use for such purposes had been applied for or authorized under appropriate laws of the United States, that the value of such lands would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws subject to the reservation of section 24 of the Federal Power Act. The lands, therefore, to the extent that they are not included in other withdrawals or reservations, will continue open to application and appropriation under the public land laws, but

without reference to the provisions of section 24 of the Federal Power Act.

3. In DA-503, Idaho, issued November 5, 1957, the Federal Power Commission vacated the withdrawal created by the filing on April 16, 1923, of application for license in Project No. 406, so far as it affected portions of the above-described lands. An earlier withdrawal for Project No. 282 of February 23, 1922 was consolidated with Project No. 406.

ROGER ERNST,

Assistant Secretary of the Interior.

DECEMBER 26, 1957.

[F. R. Doc. 57-10902; Filed, Dec. 31, 1957;
 12:30 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1021]

[AO-291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

DETERMINATION ON BASIS OF RESULTS OF REFERENDUM ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Florida, April 22-26, 1957, pursuant to notice thereof which was published in the FEDERAL REGISTER (22 F. R. 1128), upon proposed Marketing Agreement No. 133 and Order No. 121 regulating the handling of watermelons grown in Florida, Georgia, and South Carolina. The recommended decision (22 F. R. 7693) of the Deputy Administrator, Agricultural Marketing Service, and the decision (22 F. R. 9017) of the Assistant Secretary of Agriculture setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on September 27, 1957, and November 13, 1957, respectively. The Assistant Secretary also issued an order, published in the FEDERAL REGISTER on November 13 and 27, 1957 (22 F. R. 9037, 9483), directing that a referendum be conducted among producers of watermelons grown in Florida (south or east of the Apalachicola River), Georgia, and South Carolina (south or west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River) to determine whether the requisite majority of such producers favors or approves issuance of the proposed marketing order.

It is hereby determined that on the basis of the results of the referendum conducted November 27 through December 9, 1957, pursuant to the aforesaid referendum order, that the issuance of proposed Marketing Order No. 121, regu-

lating the handling of watermelons grown in Florida, Georgia, and South Carolina, is not approved or favored (1) by at least two-thirds of the producers who participated in such referendum and who, during the determined representative period (January 1 through October 31, 1957), were engaged in the production for market of watermelons grown within the designated production area in Florida, Georgia, and South Carolina, or (2) by producers of at least two-thirds of the volume of production of such watermelons represented in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Assistant Secretary's decision of November 13, 1957 (22 F. R. 9017), should not be made effective and, in view of the circumstances, that proposed Marketing Agreement No. 133 should not be entered into.

Dated: December 27, 1957.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-38; Filed, Jan. 2, 1958;
 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

RECORD RETENTION

Pursuant to authority under section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, as amended; 41 U. S. C. 38), notice is hereby given that the Secretary of Labor proposes to amend §§ 201.501 and 201.502 of Title 41 of the Code of Federal Regulations as follows:

1. Delete from § 201.501 (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years from their last date of entry."

2. Add a new § 201.501 (d) to read:

(d) The records required by paragraphs (a), (b), and (c) of § 201.501 shall be kept on file for at least 3 years from their last date of entry.

3. Add a new § 201.501 (e) to read:

(e) Basic employment and earnings records: All basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

4. Add a new § 201.501 (f) to read:

(f) Wage rate tables: All tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess compensation.

5. Add a new § 201.501 (g) to read:

(g) Work time schedules: All schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces.

6. Add a new § 201.501 (h) to read:

(h) The records required by paragraphs (e), (f), and (g) of § 201.501 shall be kept on file at least 2 years from their last date of entry or their last effective date whichever is later.

7. Delete from § 201.502 (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years after the date of entry thereof."

8. Add a new § 201.502 (d) to read:

(d) The records required by paragraphs (a), (b), and (c) of this section shall be kept on file at least 3 years from their date of entry.

Prior to the final adoption of this proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted to the Secretary of Labor, United States Department of Labor, Washington, D. C. on or before January 17, 1958.

Signed at Washington, D. C. this 27th day of December 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-66; Filed, Jan. 2, 1958;
 8:56 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 183, Rev. 1]

FIXING ORDER OF SUCCESSION AMONG
ASSISTANT SECRETARIES

Pursuant to Executive Order 10586, dated January 13, 1955, Assistant Secretaries of the Treasury shall act as Secretary during the absence or disability of the Secretary, the Under Secretary, and the Under Secretary for Monetary Affairs, or when those offices are vacant, in the order in which they took the oath of office as Assistant Secretary.

Dated: December 27, 1957.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.[F. R. Doc. 57-10859; Filed, Dec. 31, 1957;
12:30 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 291]

NASHVILLE UNION STOCK YARDS, INC.

NOTICE OF PETITION FOR MODIFICATION OF
RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on February 1, 1957 (16 A. D. 117), continuing in effect to and including February 7, 1959, an order issued on January 25, 1956 (15 A. D. 21), which authorized the respondent, Nashville Union Stock Yards, Inc., Nashville, Tennessee, to assess the current temporary schedule of rates and charges.

By a petition filed on December 9, 1957, the respondent requested authority to modify its current temporary schedule of rates and charges as indicated below, and requested that such modifications become effective on February 7, 1958.

YARDAGE CHARGES

	Present rate per head	Proposed rate per head
Hogs.....	\$0.30	\$0.35
On all livestock purchased on this yard that are subsequently re- sold to a buyer on the yards or removed from the holding pens to a selling pen for the purpose of resale, the following charges will be assessed:		
Hogs.....	.30	\$0.35

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the

Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 26th day of December, 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division,
Agricultural Marketing Service.[F. R. Doc. 57-10906; Filed, Dec. 31, 1957;
12:30 p. m.]

SHOSHONE LIVESTOCK AUCTION CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Shoshone Livestock Auction Co., Shoshone, Idaho.

Apache Livestock Sale, Apache, Okla.
Grant City Sale Barn, Inc., Grant City, Mo.
Nacoma Livestock Commission Co., Nacoma, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of December 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division,
Agricultural Marketing Service.[F. R. Doc. 58-67; Filed, Jan. 2, 1958;
8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

DECEMBER 27, 1957.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Colorado 020060, for withdrawal of the lands described below, from location and entry under the Gen-

eral Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

Deep Lake Recreation Area

In unsurveyed land commencing at the established southeast corner of Section 24, T. 3 S., R. 89 W., 6th P. M., thence east 20 chains, to the point of beginning, thence east 60 chains, thence north 10 chains, thence east 40 chains, thence north 30 chains, thence west 30 chains, thence north 10 chains, thence west 40 chains, thence south 30 chains, thence west 30 chains, thence south 20 chains, to the point of beginning, embracing an area which when surveyed will probably be described as follows:

T. 3 S., R. 88 W.,

Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$.

Total acreage is approximately 340 acres.

JAMES S. ANDREWS,
Acting State Supervisor.[F. R. Doc. 58-2; Filed, Jan. 2, 1958;
8:45 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

DECEMBER 26, 1957.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 024037, for the withdrawal of the lands described below, from location and entry under the General Mining Laws. The applicant desires the land for experimental purposes in furtherance of the act of May 28, 1928 (45 Stat. 699), as amended.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN
BITTERROOT NATIONAL FOREST
Lick Creek Experimental Area

T. 4 N., R. 21 W.,
Sec. 19: S $\frac{1}{2}$ NW $\frac{1}{4}$, and unsurveyed S $\frac{1}{2}$;
Sec. 20: S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 29: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 30: SE $\frac{1}{4}$ and unsurveyed N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 31: Unsurveyed N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 4 N., R. 22 W., Unsurveyed,
What probably will be when surveyed,
Sec. 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24: E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 25: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Total area approximately 2,930 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-3; Filed, Jan. 2, 1958;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 235]

PETROLEUM SPECIALTIES, LTD. AND LEON GOURFINKEL

ORDER REDUCING AND AMENDING ORDER DENYING EXPORT PRIVILEGES

In the matter of Petroleum Specialties Ltd., and Leon Gourfinkel, Norfolk House, Norfolk Street, London, W. C. 2, England, Respondents, Case No. 235.

The respondents, Petroleum Specialties Ltd. and Leon Gourfinkel, having heretofore by order dated August 23, 1957 (22 F. R. 6902), been denied export privileges as more fully in the said order provided, applied for a reconsideration thereof, and said application was referred to the Compliance Commissioner, who has fully heard the same, received new evidence now incorporated in the record hereof, and has reported thereon and recommended that the action hereinafter set forth be taken.

Now, after carefully reviewing the report of the Compliance Commissioner, the new evidence submitted and the arguments made in support of the application and, being of the opinion that the conclusions of the Compliance Commissioner are correct and his recommendation fair:

1. *It is, upon the whole record, hereby ordered*, That the application for reconsideration on the merits be and the same hereby is granted and, after such reconsideration;

2. *It is further ordered*, That the original determination on the merits be and it is hereby adhered to and that, except as herein expressly provided, the order of August 22, 1957, be and hereby remains in full force and effect;

3. *And it is further ordered*, That Decretal Part IV of the said order of August 22, 1957, be amended so that the

export privileges of Petroleum Specialties Ltd. and Leon Gourfinkel, only, shall be restored to them after the expiration of five months from the date thereof instead of nine months as therein provided;

4. *And it is further ordered*, That the fifteen month period of possible additional effective denial of export privileges in the event of the breach by said respondents of their probation following the expiration of five months, to which reference is made in Decretal Part V of the said order of August 22, 1957, be and it hereby is amended by increasing the same to nineteen months.

Dated: December 30, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-65; Filed, Jan. 2, 1958;
8:56 a. m.]

Federal Maritime Board

NOTICE OF ANNUAL REVIEW OF BAREBOAT CHARTERS

Notice is hereby given of annual review of the charters covering the following government-owned, war-built, dry-cargo vessels to be made in January 1958:

Vessel Name, Charterer, and Date Charter Expires

"Swarthmore Victory", Pacific Far East Line, Inc., February 4, 1958.
"Bowdoin Victory", American President Lines, Ltd., February 5, 1958.
"Whittier Victory", Lykes Bros. Steamship Co., Inc., February 8, 1958.
"Casimir Pulaski", American Coal Shipping, Inc., February 10, 1958.
"Paine Wingate", American Export Lines, Inc., February 12, 1958.
"Great Falls Victory", Pacific Far East Line, Inc., February 12, 1958.
"Clovis Victory", States Marine Corp., February 12, 1958.
"Walter Hines Page", American Coal Shipping, Inc., February 16, 1958.
"August Belmont", American Export Lines, Inc., February 19, 1958.
"Marquette Victory", Isbrandtsen Co., Inc., February 21, 1958.
"Xavier Victory", Isbrandtsen Co., Inc., February 21, 1958.
"CCNY Victory", Prudential Steamship Corp., February 21, 1958.

Any interested party may state, in writing, his position regarding the continuance or discontinuance of the charters on all of the twelve vessels named above and a written request for hearing in the premises may be filed with the Secretary, Federal Maritime Board, within seven (7) days after publication of this notice in the FEDERAL REGISTER.

Dated: December 30, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-68; Filed, Jan. 2, 1958;
8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14016]

TEXAS PACIFIC COAL & OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Texas Pacific Coal & Oil Company (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the periodic rate increase, Respondent states that such increase was provided for in the original contract, and cites increased production costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5; Filed, Jan. 2, 1958;
8:45 a. m.]

[Docket No. G-14024]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

The Superior Oil Company (Respondent), on December 2, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change dated November 29, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 37. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 39. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 41.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increases, Respondent states that the increase is provided for in the contract, that the proposed rate is just and reasonable and will be substantially less than comparable prices in other portions of the country.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6; Filed, Jan. 2, 1958;
8:46 a. m.]

[Docket No. G-14025]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Tidewater Oil Company (Respondent) on November 25, 1957, and December 3, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated November 18, 1957. (2) Notice of change, dated December 2, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 45. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 44.

Effective date: (1) January 1, 1958 (effective date is the effective date proposed by Respondent). (2) January 3, 1958 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increases, Respondent states that the filing of such increases is made to reflect changes in rate provided for in contracts negotiated after arm's length bargaining and that the increased rates are in all respects fair, reasonable and just.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness

of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 45 and Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 44 are hereby suspended and the use thereof deferred until June 1, 1958 and June 3, 1958, respectively, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7; Filed, Jan. 2, 1958;
8:46 a. m.]

[Docket No. G-14026]

CARTER OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

The Carter Oil Company (Respondent), on November 29, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 26, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 9. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 19.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed periodic rate increases, Respondent states that the specific fixed increases are provided for in the contracts which were entered into after arm's length bargaining and that the increased rates will be the same or less than the prices for which other gas in the area is being purchased.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-8; Filed, Jan. 2, 1958;
8:46 a. m.]

[Docket No. G-14030]

REEF FIELDS GASOLINE CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Reef Fields Gasoline Corporation (Operator), et al. (Respondent) on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1958 (effective date is the date proposed by Respondent).

In support of the proposed rate increase, Respondent states that it is pursuant to contract negotiated with the purchaser, and is fair and necessary to meet increased costs of operation.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to

Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9; Filed, Jan. 2, 1958;
8:46 a. m.]

[Docket No. G-14046]

PLYMOUTH OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

Plymouth Oil Company (Operator), et al. (Respondent), on November 27, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Texas Illinois Natural Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 11.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that the increased price was agreed to by the parties as a reasonable consideration to Respondent for commitment of its gas for the long period of the contract (20 years). Respondent also contends that the proposed rate is just and reasonable because it is not above the fair market

value of the gas. Respondent further states that costs of labor and materials have increased.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10; Filed, Jan. 2, 1958;
8:46 a. m.]

[Docket No. G-14047]

DORCHESTER CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

Dorchester Corporation (Operator), et al. (Respondent), on November 27, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

Respondent merely cites the pricing provision of the contract in support of its proposed periodic rate increase and contends that the increased price is just and reasonable and its denial would be unjust.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-11; Filed, Jan. 2, 1958;
8:47 a. m.]

[Docket No. G-14048]

WEST LAKE NATURAL GASOLINE CO. ET AL.
ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

West Lake Natural Gasoline Company
(Operator), et al. (Respondent), on No-

vember 27, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent merely cites the pricing provision of the contract and contends that the increased price is just and reasonable and its denial would be unjust.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-12; Filed, Jan. 2, 1958;
8:47 a. m.]

[Docket No. G-14077]

SHAMROCK OIL & GAS CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

The Shamrock Oil & Gas Corporation (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Shamrock's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that the rate will hold for five years, that it has met its obligation to develop the dedicated reserves and has installed the required facilities, and asserts that the proposed rate is below the rate that would be considered just and reasonable for a new sale in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-13; Filed, Jan. 2, 1958;
8:47 a.m.]

[Docket No. G-14010]

OHIO OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

The Ohio Oil Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the periodic rate increase, Respondent states that the purchaser agreed to pay such increased rate as the result of arm's-length bargaining in good faith.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-14; Filed, Jan. 2, 1958;
8:47 a.m.]

[Docket No. G-14011]

B B M DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

B B M Drilling Company, et al. (Respondent), on December 2, 1957, tendered for filing proposed changes in its presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement Nos. 5 and 6 to Respondent's Rate Schedule No. 2, and Supplement No. 4 to Respondent's Rate Schedule No. 3.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice; an alternative date of thirty days from the date the increase becomes operative under the terms of the contract, if later, is provided in the text of this order).

In support of the proposed increased rates, Respondent states that they are provided for by contract, and in the cases of the above-described Supplement No. 6 to its Schedule No. 2 and Supplement No. 4 to its Schedule No. 3 include a proportionate increase in Texas Occupation Tax. In such last-named case, it appears that the proposed increases result from the operation of escalation provisions in the contracts but no proof has been submitted as to the date on which such escalations would become effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates provided for in the above-described Supplement No. 6 to its Schedule No. 2 and Supplement No. 4 to its Schedule No. 3 would become effective under the provisions of such rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforce-

ment of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rates provided for in the above-described Supplement No. 6 to its Schedule No. 2 and Supplement No. 4 to its Schedule No. 3 would have become effective under the provisions of such rate schedules.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until June 2, 1958, or until such date that is five months after the date that the proposed rates set forth in the above-described Supplement No. 6 to Schedule No. 2 and Supplement No. 4 to Schedule No. 3 would have become effective under the provisions of such rate schedules if such date is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-15; Filed, Jan. 2, 1958;
8:47 a.m.]

[Docket No. G-14012]

DAN J. PULASKI ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Dan J. Pulaski et al. (Pulaski), on December 2, 1957, tendered for filing proposed changes in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges,

are contained in the following designated filings:

Description: Notices of changes, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Pulaski's FPC Gas Rate Schedule No. 1. Supplement No. 5 to Pulaski's FPC Gas Rate Schedule No. 1.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice, or the date increase becomes effective under rate schedule, if later).

In support of the proposed periodic rate increases, Pulaski merely cites the pertinent pricing provision of his contract.

Pulaski has not furnished proof or agreement from buyer of the dates that the proposed increased rates become effective under the terms of the rate schedule, hence the alternate suspension dates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Pulaski make an early submission of proof or agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 4 and 5 to Pulaski's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pulaski to submit, within 15 days from the date of issuance hereof, proof or agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 4 and 5 to Pulaski's FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 2, 1958, or, if later, until such date that is five months after the date that the escalation provision of the rate schedule becomes operative to permit the proposed increased rate, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have

expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-16; Filed, Jan. 2, 1958;
8:47 a. m.]

[Docket No. G-14014]

MONTEREY OIL Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Monterey Oil Company (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 29, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the periodic rate increase, Respondent states that such increase was provided for in the original contract, based in arm's-length bargaining; and cites increased operating costs and other rates applicable for gas sales in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth

in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-17; Filed, Jan. 2, 1958;
8:47 a. m.]

[Docket No. G-14015]

SKELLY OIL Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Skelly Oil Company (Respondent) on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change, dated November 29, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 74.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Respondent states that it is pursuant to contract, is in small amount, is reasonable and is an offset to increased costs of production.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness

of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-18; Filed, Jan. 2, 1958;
8:48 a. m.]

[Docket No. G-14017]

PAUL F. BARNHART ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Paul F. Barnhart, et al. (Barnhart) on December 2, 1957, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated November 15, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 1. Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 2. Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 3. Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 4.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice, or the date increase becomes effective under rate schedule, if later).

In support of the proposed periodic rate increases, Barnhart merely cites the pertinent pricing provisions of his contracts.

Barnhart has not furnished proof or agreement from buyer of the dates that the proposed increased rates become effective under the terms of the rate schedules, hence the alternate suspension dates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Barnhart make an early submission of proof or

agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Barnhart's FPC Gas Rate Schedules Nos. 1, 2, 3, and 4, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Barnhart to submit, within 15 days from the date of issuance hereof, proof or agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedules.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Barnhart's FPC Gas Rate Schedules Nos. 1, 2, 3 and 4, respectively.

(C) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 2, 1958, or, if later, until such date that is five months after the date that the escalation provision of the rate schedule becomes operative to permit the proposed increased rate, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-19; Filed, Jan. 2, 1958;
8:48 a. m.]

[Docket No. G-14018]

PAUL F. BARNHART

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Paul F. Barnhart (Barnhart) on December 2, 1957, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges,

are contained in the following designated filings:

Description: Notices of changes, dated November 15, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 5. Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 6.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice, or the date increase becomes effective under rate schedule, if later).

In support of the proposed periodic rate increases, Barnhart merely cites the pertinent pricing provisions of his contracts.

Barnhart has not furnished proof or agreement from buyer of the dates that the proposed increased rates become effective under the terms of the rate schedules, hence the alternate suspension dates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Barnhart make an early submission of proof or agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Barnhart's FPC Gas Rate Schedules Nos. 5 and 6, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Barnhart to submit, within 15 days from the date of issuance hereof, proof or agreement from buyer of the dates the proposed increased rates become effective under the terms of the rate schedules.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Barnhart's FPC Gas Rate Schedules Nos. 5 and 6, respectively.

(C) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 2, 1958, or, if later, until such date that is five months after the date that the escalation provision of the rate schedule becomes operative to permit the proposed increased rate, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension

have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-20; Filed, Jan. 2, 1958;
8:48 a. m.]

[Docket No. G-14021]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 26, 1957.

Sunray Mid-Continent Oil Company (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 2 to Sunray Mid-Continent Oil Company's FPC Gas Rate Schedule No. 60.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that the increase results from a contractual obligation arrived at by arms-length bargaining, the rate proposed is just and reasonable and is in line with field prices in the same general area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set

forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-21; Filed, Jan. 2, 1958;
8:48 a. m.]

[Docket No. G-14022]

SKELLY OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Skelly Oil Company (Respondent), on December 2, 1957, and December 3, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 29, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 55.

Effective date: (1) January 2, 1958 (effective date is, in each case, the first day after expiration of the required 30 days' notice). (2) January 3, 1958 (effective date is, in each case, the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increases, Respondent states that the increases result from contractual obligations, arrived at by arm's length bargaining, the increased prices are necessitated by increased costs of production and the proposed rates are just and reasonable. Respondent also states that the amount of the increase under Supplement No. 1 to its FPC Gas Rate Schedule No. 55 is small.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 55 are hereby suspended until June 2, 1958 and June 3, 1958, respectively, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-22; Filed, Jan. 2, 1958;
8:48 a. m.]

[Docket No. G-14023]

SHELL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Shell Oil Company (Operator), et al. (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change dated November 25, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 68.

Effective date: January 1, 1958 (stated effective date is the date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that such increase is not contrary to the public interest, cites its increased cost of production and states that the amount of the increase is de minimis.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions

of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-23; Filed, Jan 2, 1958;
8:49 a. m.]

[Docket No. G-14081]

H. L. HUNT

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

H. L. Hunt (Respondent), on November 29, 1957, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 15.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed rate increases, Respondent states that the increased rates are provided for in the

contracts, and that the price provisions in the contracts, including all adjustments, constituted a single rate and to deny the increases would be a deprivation of property without due process of law.

It appears that the proposed increases result from the operation of escalation provisions in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15, thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-24; Filed, Jan. 2, 1958;
8:49 a. m.]

[Docket No. G-14090]

OHIO OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

The Ohio Oil Company (Operator) et al. (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958 (effective date is the date proposed by Respondent).

In support of the proposed increased rate, Respondent cites the provision of the contract which provides for the price escalation and states that the purchaser is willing to pay the increase.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that

is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-25; Filed, Jan. 2, 1958;
8:49 a. m.]

[Docket No. G-14092]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Gulf Oil Corporation (Respondent), on November 29, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated. Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 9. Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 16.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rates, Respondent states that the contracts were entered into after arm's length bargaining, the increases are provided for in the contracts and the buyer is willing to pay the increased rates. Respondent further states that the price provisions of each contract constitute one basic rate and to deny the increases is to alter and reduce the basic rates.

It appears that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedule.

No. 2—4

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-26; Filed, Jan. 2, 1958;
8:49 a. m.]

[Docket No. G-14093]

ARGO OIL CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Argo Oil Corporation (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated. Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rate, Respondent states that the contract was entered into after arm's-length bargaining, that the increased rate is provided for in the contract, and that the increased rate will be equal to the price to be paid by the purchaser to other producers.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-27; Filed, Jan. 2, 1958;
8:49 a. m.]

[Docket No. G-14094]

SHELL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Shell Oil Company (Operator), et al. (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 6 to Respondent's Gas Rate Schedule No. 34.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rate, Respondent states that the contract was entered into after arm's length bargaining and that the increased rate is provided for in the contract. Respondent further states that this is the first increase accruing to it in five years, during which time its costs have increased.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-28; Filed, Jan. 2, 1958;
8:50 a. m.]

[Docket No. G-14097]

CITIES SERVICE PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Cities Service Production Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rate, Respondent states that the contract was entered into after arm's-length bargaining and that the increased rate is provided for in the contract. Respondent further states that the increased rate is conservative, being lower than the market value of equivalent supplies.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified,

and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-29; Filed, Jan. 2, 1958;
8:50 a. m.]

[Docket No. G-14098]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Union Oil Company of California (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the juris-

diction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 11.
Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rate, Respondent states that the contract was entered into after arm's-length bargaining, the increased rate is provided for in the contract and denial of the increase would prevent operation of an important consideration of the basic contract. Respondent further states that the increase is small in amount, is not in excess of current prices existing in West Texas and the increase is in the public interest.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the

manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-30; Filed, Jan. 2, 1958;
8:50 a. m.]

[Docket No. G-14099]

PECOS Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Pecos Company, (Respondent), on November 29, 1957 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 26, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed increased rates, Respondent states that the increases are provided for in the contracts, and that the increased rates are just and reasonable.

It appears that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and

the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-31; Filed, Jan. 2, 1958;
8:50 a. m.]

[Docket No. G-14102]

MAGNOLIA PETROLEUM Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 26, 1957.

Magnolia Petroleum Company (Operator) (Respondent), on November 27, 1957, tendered for filing a proposed change in a presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 2 to Magnolia Petroleum Company (Operator) FPC Gas Rate Schedule No. 9.

Effective date: January 1, 1958 (effective date is the date proposed by Respondent).

In support of the proposed increased rate, Respondent states that the periodic rate adjustment is called for under its contract with Lone Star negotiated at

arm's-length and in good faith to provide a fair rate of return. Additionally, Respondent alleges that the increased rate does not exceed the current market price in the field and that such rate reflects increased production costs. Suffice to say, arm's-length bargaining and field value alone do not, per se, demonstrate the lawfulness of the proposed increased rate. Union Oil Company, 16 FPC 100.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-32; Filed, Jan. 2, 1958;
8:50 a.m.]

[Docket No. G-14115]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 26, 1957.

Phillips Petroleum Company (Operator), (Phillips), on November 27, 1957, tendered for filing proposed changes in

its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change, dated November 22, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 7. Supplement No. 13 to Phillips' FPC Gas Rate Schedule No. 9. Supplement No. 20 to Phillips' FPC Gas Rate Schedule No. 32. Supplement No. 9 to Phillips' FPC Gas Rate Schedule No. 33. Supplement No. 9 to Phillips' FPC Gas Rate Schedule No. 64. Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 243.

Effective date: January 1, 1958 (effective date is the effective date proposed by Phillips).

In support of its above-designated proposed rate increases Phillips states that such rates are the legal contract rates since they were determined in accordance with the pricing provisions of the respective contracts. Phillips further asserts that the proposed rates are not unjust or unreasonable since they are lower than the indicated rates for sales of gas under the six rate schedules here involved as set forth in Exhibit No. 324 in the proceedings designated in the Matters of Phillips Petroleum Company, Docket No. G-1148, et al.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Phillips rate schedules.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-33; Filed, Jan. 2, 1958;
8:51 a.m.]

[Docket No. G-14113]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Shell Oil Company (Operator) (Respondent), on December 5, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 2, 1957.

Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 60.

Effective date: January 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The supplement here tendered for filing provides for discontinuance of a line amortization deduction by the purchaser and for a periodic rate increase. In support of the proposed periodic rate increase, Respondent states that such increase was agreed to in arm's-length negotiations.

The proposed increased rate and charge insofar as it relates to the periodic rate increase set forth in the contract has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, insofar as it relates to the periodic rate increase, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed periodic increase in rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement insofar as it relates to the periodic rate increase set forth in the contract be and it hereby is suspended and the use thereof de-

ferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-40; Filed, Jan. 2, 1958;
8:52 a. m.]

[Docket No. G-14114]

UNION PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Union Producing Company, (Respondent), on December 2, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Contract dated November 29, 1957. Notice of change, dated December 1, 1957.

Purchaser: United Gas Pipe Line Company. Rate schedule designation: (1) Respondent's FPC Gas Rate Schedule No. 218 (superseding its FPC Gas Rate Schedule No. 62). (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 218.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Respondent has tendered for filing a renegotiated contract which supersedes the contract (which has expired by its own terms) comprising its FPC Gas Rate Schedule No. 62, together with a notice of change. The renegotiated contract provides for a 9.5 cents per Mcf increase. In support of such increase, Respondent claims increased costs in operations, and exploration and development and states that the proposed increase tends to partially offset such increased costs. Respondent also states that other sales are being made in the area at the rate level contained in it renegotiated contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the

lawfulness of the said proposed change, and that Respondent's said superseding rate schedule and supplement thereto, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Respondent's proposed superseding rate schedule and supplement thereto.

(B) Pending such hearing and decision thereon, said superseding rate schedule and supplement thereto be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the proposed superseding rate schedule and the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-41; Filed, Jan. 2, 1958;
8:52 a. m.]

[Docket No. G-14118]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Magnolia Petroleum Company (Magnolia) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 34.

Effective date: January 1, 1958 (effective date is the effective date proposed by Magnolia).

In support of the proposed rate increase, Magnolia states that it is needed

¹ Present rate previously suspended and is in effect subject to possible refund in Docket No. G-12183.

to encourage continued production so as to avoid premature well abandonment; i. e., when declining revenues from almost depleted wells would otherwise fail to adequately offset operating costs. In addition, it asserts that the proposed increase will generate no more revenues than necessary to equate the minimal earning capacity under the proposed rate schedule with its equitable share of the cost to Magnolia and that the increase is no more than needed to encourage exploration and development of natural gas reserves. No supporting data based upon cost studies and allocations of joint costs have been provided by Magnolia in order to relate such premature abandonment of production and equitable sharing of joint costs to the proposed rate increase.

Magnolia alternatively² contends that its proposed "price adjustment" filing does not constitute a change in rate schedule within the meaning of the Natural Gas Act, but that it is a new rate schedule and it is, therefore, not subject to suspension. In making this assertion, Magnolia points out that its basic contract, FPC Gas Rate Schedule No. 34, contains a termination date and asserts that it will expire by its own terms on December 31, 1957.³ Magnolia has not obtained any order permitting abandonment of its facilities and service and the filing will be treated as a proposed change in the existing rate schedule. The proposed change is protested by the buyer, Cities Service Gas Company, which states that it has not agreed to the increase and requests that the tender be rejected for failure to comply with the Commission's Regulations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

² It is to be noted that Magnolia's filing includes a comparative statement of sales and revenues in purported compliance with Commission Regulation 154.94 (e) covering proposed changes in rate schedules.

³ The contract term is "to January 1, 1958".

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-42; Filed, Jan. 2, 1958;
8:52 a.m.]

[Docket No. G-13847]

SHELL OIL Co.

CHANGE IN EFFECTIVE DATE

DECEMBER 18, 1957.

In the Order for Hearing and Suspending Proposed Change in Rate, issued December 13, 1957, and published in the FEDERAL REGISTER on December 19, 1957 (22 F. R. 10233), after "Effective Date:" change "January 1, 1957" to read "January 1, 1958".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-43; Filed, Jan. 2, 1958;
8:52 a.m.]

[Docket No. G-14100]

SERVICE GAS PRODUCTS Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 27, 1957.

Service Gas Products Company (Operator), (Respondent), on December 2, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 22, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Respondent cites the contract provisions and further states that the escalation provision gives substantial benefits to the purchaser and it is also in the public interest in that it allows long-term gas sales contracts to be executed.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable,

able, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-44; Filed, Jan. 2, 1958;
8:53 a.m.]

[Docket No. G-14101]

COLUMBIAN CARBON Co.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Columbian Carbon Company (Respondent), on December 6, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 5, 1957.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 29.

Effective date: January 6, 1958 (effective date is the date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that the proposed rate is less than the market value of the natural gas in the area, that it is provided for in the contract, and that it is necessary in order to enable the continuance of an exploration and development program.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-45; Filed, Jan. 2, 1958;
8:53 a.m.]

[Docket No. G-14103]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Pan American Petroleum Corporation (Operator), et al. (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which

constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 136.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Respondent states that it is provided for in the contract and contends that to compel Respondent to deliver gas while denying the proposed increase would amount to confiscation of property without due process. Respondent further states that the proposed increase will not affect the competitive status of natural gas with other fuels.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-46; Filed, Jan. 2, 1958; 8:53 a. m.]

[Docket No. G-14106]

SUPERIOR OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

The Superior Oil Company (Operator) et al. (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Superior's FPC Gas Rate Schedule No. 11.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed redetermined rate increase, Respondent states that its contract resulted from arm's-length bargaining between non-affiliated parties and provides for redetermination of price every five years based upon the then current prices to protect the interests of both parties. Respondent also states the rate proposed is identical with new contracts for purchase of gas in the same field and it would be unfair to require it to deliver the gas and yet deny it the price the buyer agrees to pay for such delivery.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-47; Filed, Jan. 2, 1958; 8:53 a. m.]

[Docket No. G-14107]

HUMBLE OIL AND REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Humble Oil and Refining Company, (Operator), et al., (Humble), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract,¹ dated July 23, 1957. (2) Notice of Change, dated November 20, 1957.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: (1) Humble's FPC Gas Rate Schedule No. 126 (supersedes Humble's FPC Gas Rate Schedule No. 41, as supplemented). (2) Supplement No. 1 to Humble's FPC Gas Rate Schedule No. 126.

Effective date: December 30, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Humble states the new contract of July 23, 1957, was negotiated in good faith and in an arm's-length transaction between unaffiliated parties and such new contract was necessitated by expiration of the old contract. Humble cites gas purchase contracts of United Fuel Gas Company, American Louisiana Gas Company, Texas Gas Transmission Corporation, Tennessee Gas Transmission Company, United Gas Pipe Line Company and Texas Eastern Transmission Corporation in South Mississippi and South Louisiana containing prices ranging from 20.0¢ to 22.6¢ per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concern-

¹ Humble's filing is a new contract dated July 23, 1957, to be effective December 1, 1957, and replaces the previous contract of July 10, 1947, between the parties which expired by its own terms December 1, 1957.

ing the lawfulness of the said proposed change, and that the above-designated rate schedule and supplement thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said rate schedule and the supplement thereto be and they are each hereby suspended and the use thereof deferred until May 30, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-48; Filed, Jan. 2, 1958;
8:53 a.m.]

[Docket No. G-14108]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Tidewater Oil Company (Tidewater) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract, dated November 12, 1957. (2) Notice of change, dated November 27, 1957.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: (1) Tidewater's FPC Gas Rate Schedule No. 68 (supersedes Tidewater's FPC Gas Rate Schedule No. 47, as supplemented). (2) Supplement No. 1 to Tidewater's FPC Gas Rate Schedule No. 68.

Effective date: January 1, 1958 (effective date is the effective date proposed by Tidewater).

In support of the proposed renegotiated rate increase, Tidewater states that the new contract was entered into after extensive arm's-length bargaining, the old contract expiring on December 1, 1957, and the proposed rate is less than rates currently being paid under other contracts in the same general area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated rate schedule and supplement thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said rate schedule and supplement thereto be and they are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-49; Filed, Jan. 2, 1958;
8:53 a.m.]

[Docket No. G-14111]

GREENBRIER OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Greenbrier Oil Company (Respondent), on December 6, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 2, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: January 6, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The proposed periodic rate increase relates to sales of dry gas. In support of

the proposed increase, Respondent states that the rate schedule involved was entered into as a result of arm's-length negotiations. Respondent further states that the price escalation provision was an integral part of the contract and an inducement to Respondent to commit its gas for the life of the lease. Respondent also claims that costs of operation are rising and contends that the proposed rate is fair and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-50; Filed, Jan. 2, 1958;
8:54 a.m.]

[Docket No. G-14112]

TEXAS GULF PRODUCING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Texas Gulf Producing Company (Operator), et al. (Respondent), on December 4, 1957, tendered for filing a proposed

change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 23.

Effective date: January 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Respondent states that the contract, including the price escalation provision, was negotiated by arm's-length bargaining. Respondent also contends that the proposed increase is in all respects fair, reasonable, and just.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-51; Filed, Jan. 2, 1958; 8:54 a. m.]

No. 2—5

[Docket No. G-14063]

MIDHURST OIL CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Midhurst Oil Corporation (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 8 to Midhurst's FPC Gas Rate Schedule No. 2.

Effective date: January 2, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Midhurst states that such increase is provided for in the original contract, negotiated at arm's length in good faith and asserts that the increases are needed over the long term of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-52; Filed, Jan. 2, 1958; 8:54 a. m.]

[Docket No. G-14073]

WESTHOMA OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Westhoma Oil Company (Respondent) on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 29, 1957.

Purchaser: Panhandle Eastern Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Westhoma's FPC Gas Rate Schedule No. 2.

Effective date: January 2, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of the periodic rate increase, Respondent cited the contract provisions and requested that the proposed increase be permitted to take effect on November 1, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-53; Filed, Jan. 2, 1958;
8:54 a.m.]

[Docket No. G-14082]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Hunt Oil Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 33.

Effective date: January 1, 1958 (effective date is the date proposed by Respondent).

In support of the proposed rate increase, Respondent states that the increased rate is provided for in the contract, and that the price provisions in the contract, including all adjustments, constitute a single rate and to deny the increase would be a deprivation of property without due process of law.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the

above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-54; Filed, Jan. 2, 1958;
8:54 a.m.]

[Docket No. G-14083]

SECURE TRUSTS

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Secure Trusts (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed rate increase, Respondent states that the in-

creased rate is provided for in the contract, and that the price provision in the contract, including all adjustments, constitutes a single rate and to deny the increase would be a deprivation of property without due process of law.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-55; Filed, Jan. 2, 1958;
8:54 a.m.]

[Docket No. G-14084]

LYDA BUNKER HUNT ESTATE

ORDER OF HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Lyda Bunker Hunt Estate (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed rate increase, Respondent states that the increase is provided for in the contract, the price provisions in the contract, including adjustments, constitute a single rate and denial of the increased rate is a deprivation of property without due process of law.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that

is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-56; Filed, Jan. 2, 1958;
8:55 a.m.]

[Docket No. G-14085]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

DECEMBER 27, 1957.

Humble Oil & Refining Company (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 45.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed rate increase, Respondent states that the increased rate was provided for in the contract negotiated after arm's-length bargaining, that the increased rate is no higher than rates now being paid in the area, that the increased rate is just and reasonable and denial of such rate would deprive Respondent of valuable contractual rights.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-57; Filed, Jan. 2, 1958;
8:55 a.m.]

[Docket No. G-14086]

HUMBLE OIL & REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Humble Oil & Refining Company (Operator), et al. (Respondent) on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notices of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company,

Rate schedule designation: Supplement No. 14 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent).

In support of the proposed rate increase, Respondent states that the increased rate was provided for in the contract negotiated after arm's-length bargaining, that the increased rate is no higher than rates now being paid in the area, that the increased rate is just and reasonable and denial of such rate would deprive Respondent of valuable contractual rights.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-58; Filed, Jan. 2, 1958;
8:55 a. m.]

[Docket No. G-14089]

R. OLSEN ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

DECEMBER 27, 1957.

R. Olsen (Operator) et al., (Respondent) on December 2, 1957 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 26, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 3. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rates, Respondent states that the long-term contracts were entered into after lengthy bargaining with the expectation that the contract provisions, including the escalation provisions, would be binding. Respondent further states that it has been necessary to install a costly compressor to continue deliveries of gas, that the increased rates are lower than prices in other States and that the increased rates are just and reasonable.

It appears that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 2, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-59; Filed, Jan. 2, 1958;
8:55 a. m.]

[Docket No. G-14091]

R. OLSEN

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

R. Olsen (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 28, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rate, Respondent states that the long-term contract was entered into after lengthy bargaining with the expectation that the contract provisions, including the escalation provision, would be bind-

ing. Respondent further states that it has been necessary to install a costly compressor to continue deliveries of gas, that the increased rate is lower than prices in other states, and that the increased rate is just and reasonable.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 2, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-60; Filed, Jan. 2, 1958;
8:55 a. m.]

[Docket No. G-14095]

TEXAS PACIFIC COAL AND OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 27, 1957.

Texas Pacific Coal and Oil Company (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rate, Respondent states that the increase is provided for in the contract.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 2, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as it

is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-61; Filed, Jan. 2, 1958;
8:55 a. m.]

OFFICE OF DEFENSE MOBILIZATION

OSCAR F. RENZ

APPOINTEE'S STATEMENT OF BUSINESS
INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last report.

This amends statement previously published in the FEDERAL REGISTER July 10, 1957 (22 F. R. 4874).

Dated: December 11, 1957.

OSCAR F. RENZ.

[F. R. Doc. 58-63; Filed, Jan. 2, 1958;
8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-926]

DODGE & COX FUND

NOTICE OF FILING OF APPLICATION TO
MODIFY ORDER PERMITTING REDUCED PUBLIC
OFFERING PRICES ON PURCHASES OF
COMPANY SHARES BY CERTAIN TAX-EXEMPT
ORGANIZATIONS

DECEMBER 24, 1957.

Notice is hereby given that Dodge & Cox Fund ("Fund"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 22 (d) of the act the offering of shares of the Fund at net asset value and without a sales load to cemetery companies exempt from taxation under section 501 (c) (13) of the Internal Revenue Code of 1954.

On August 12, 1955 the Commission, (pursuant to section 6 (c)), entered an order (Investment Company Act Release No. 2214), granting an exemption from section 22 (d) of the act, so as to permit the Fund to offer its shares at net asset value and without a sales load to charitable, religious, educational and other organizations exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954, as well as to pension, profit sharing and other employee's benefit plans exempt from taxation under section 401 of the Internal Revenue Code. The instant application

seeks the modification of said order to include within its terms non-profit cemetery companies and cemetery corporations exempt from taxation under section 501 (c) (13) of the Internal Revenue Code.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person, other than a dealer or principal underwriter at a price less than the current public offering price described in the prospectus. The offering of shares of the Fund at net asset value, without a sales charge, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 22 (d) of the act. Accordingly, the Fund has filed the instant application for an order of the Commission exempting the offering of its shares to the above-mentioned organizations without a sales load from said provisions of the act.

Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant asserts that to avoid unreasonable discrimination, its shares should be offered at net asset value and without a sales load to such non-profit cemetery companies and corporations.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than January 6, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-34; Filed, Jan. 2, 1958;
8:51 a. m.]

[File No. 24D-2263]

PYRAMID MINING AND METAL CORP.

NOTICE OF AND ORDER FOR HEARING

DECEMBER 27, 1957.

Pyramid Mining and Metal Corporation (Pyramid), a Texas corporation, 508

Great Plains Life Building, Lubbock, Texas, filed with the Commission on October 28, 1957, a notification on Form 1-A and an offering circular relating to a proposed offering of 236,000 shares of Common Stock, \$1.00 par value, at \$1.25 per share, or \$295,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder;

The Commission on December 3, 1957, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on February 3, 1958, at 10:00 a. m., Mountain standard time, at the Denver Regional Office of the Commission, 822 Midland Savings Building, 444 17th Street, Denver, Colorado, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The exemption is not available in that the \$300,000 limitation prescribed by Regulation A would be exceeded by reason of an offering within the past year.

2. Written consents of accountants, engineers and geologists named as having prepared statements, reports and valuations referred to in the notification and offering circular have not been filed as exhibits to the notification as required by Item 11;

3. The response to Item 2 of the notification fails to disclose the required information with respect to affiliates of Pyramid;

4. The offering circular fails to set forth:

(1) The legend required by paragraph 1 of Schedule I to be set forth on the outside front cover page;

(ii) The percentage of outstanding securities of Pyramid which will be held by directors, officers and promoters as a group, and the percentage of such securities which will be held by the public, if all the securities to be offered by Pyramid are sold, and the respective amounts of cash (including cash expended for properties transferred to Pyramid) paid therefor by such group and by the public as required by paragraph 9 (d) of Schedule I;

(iii) A reasonably itemized statement of the purposes for which the net cash proceeds to Pyramid from the sale of the said securities are to be used and the amount to be used for each such purpose, and the order of priority of the respective purposes, as required by paragraph 6 (a) of Schedule I;

(iv) The individual interests, by securities holdings or otherwise, of officers, directors, and controlling persons and their interests in material transactions within the past two years, as required by paragraph 9 (c) of Schedule I;

(v) Information concerning the metallic or other constituents of the deposits to be explored on the Hidalgo properties, as required by paragraph 8A (b) of Schedule I; and

(vi) Appropriate financial statements of Pyramid as required by paragraph 11 of Schedule I.

B. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. Pyramid's ore reserves;
2. Pyramid's estimated profits;
3. The value of Pyramid's properties;
4. The education, experience and competence of mining engineers and geologists who have made reports and appraisals referred to in the said notification and offering circular;
5. The financial condition of Pyramid;
6. The liabilities of Pyramid, including contingent liabilities incurred by Pyramid as a result of stock sales;
7. The cash receipts and disbursements of Pyramid;
8. The status of the titles to properties in which Pyramid has an interest, including, among other things, the dates, terms and material provisions of the company's leases and options which are Pyramid's only properties;

9. The interests in Pyramid and its properties of Pyramid's officers, directors, promoters, affiliates, engineers and geologists;

10. The use to be made of the proceeds of the offering;

11. The plans of Pyramid to distribute the said securities.

C. Whether the offering is being made and would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use is being made and would be made of an offering circular which contains false and misleading statements as specified hereinabove.

D. Whether the order dated December 3, 1957, temporarily suspending the exemption under Regulation A, should be vacated or made permanent.

It is further ordered, That Sidney L. Feiler or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to

hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Pyramid Mining and Metal Corporation, 508 Great Plains Life Building, Lubbock, Texas, that notice of the entering of this

order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before January 31, 1958, a request relative

thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-35; Filed, Jan. 2, 1958;
8:51 a. m.]

